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TO ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE PRIORITY

RUEHTRO/AMEMBASSY TRIPOLI PRIORITY 0913

RUEHRY/AMEMBASSY CONAKRY PRIORITY 2404

RUEAIIA/CIA WASHINGTON DC// PRIORITY

RUEKJCS/SECDEF WASHINGTON DC// PRIORITY

RHEFDIA/DIA WASHINGTON DC// PRIORITY

RHMCSUU/FBI WASHINGTON DC// PRIORITY 6949

RHEFHLC/HOMELAND SECURITY CENTER WASHINGTON DC// PRIORITY

S E C R E T SECTION 01 OF 11 STATE 119085

SECRET//NOFORN

E.O. 12958: DECL: 11/17/2034

TAGS: [ASEC](#) [CVIS](#) [PINR](#) [PREF](#)

SUBJECT: WALK-IN GUIDANCE FOR 2009: HANDLING  
FOREIGN NATIONAL WALK-INS, DEFECTORS, AND ASYLUM  
SEEKERS

REF: (A) 08 STATE 061194

(B) 7 FAM 180

(C) 09 STATE 030541

(D) 04 STATE 061816

(E) 2 FAM 227

(F) 08 STATE 110175

(G) 09 STATE 110904

(H) 9 FAM 42.1 N4, PN2-5, and PN7

(U) Classified by: David Appleton, Director,  
INR/CCS, Reason: 1.4 (c, d).

#### SUMMARY AND TABLE OF CONTENTS

11. (S/NF) This telegram replaces Ref A as the Department's comprehensive guidance on handling foreign national walk-ins, defectors, and asylum seekers - all of whom are generally referred to in this telegram as "walk-ins." This telegram was coordinated with interagency partners, including CIA, DHS, DIA, and the FBI. It explains the procedures for receiving walk-ins; determining whether they are of intelligence value and whether defector, temporary refuge, protection, resettlement, parole, or other status is appropriate; and coordinating an appropriate response. A link to this telegram will be included in the Chief of Mission (COM) Guide on ClassNet (<http://diplomaps.state.sgov.gov/com>). (For guidance on handling U.S. citizens requesting emergency protection ("temporary refuge") at posts, see Ref B.)

12. (S/NF) COMs should ensure that all post personnel are properly prepared to handle walk-ins. Post management, RSO, and GRPO have the most responsibility for ensuring proper handling of walk-ins, but other officers may play critical roles.

13. (S/NF) Correct handling of walk-ins is important for three principal reasons. Walk-ins (1) may be sources of invaluable intelligence; (2) pose numerous security challenges; and (3) may need protection. Improper handling of walk-ins can put them and post personnel at risk and result in the

loss of important intelligence. Thus, post's procedures must be clear, well-understood, and workable at any hour, day or night.

¶4. (U) Questions or comments regarding the guidance in this telegram should normally be directed by telegram to INR/CCS, which will coordinate a Department response. If additional guidance is required in an emergency walk-in situation, however, post should contact the Department's Operations Center (202-647-1512), which will alert the appropriate Department personnel.

¶5. (U) This telegram contains the following sections:

- ¶A. - Storage and dissemination of this telegram (paragraph 6)
- ¶B. - Post preparation for handling walk-ins (paragraphs 7-23)
- ¶C. - Procedures for handling walk-in arrivals (paragraphs 24-33)
- ¶D. - Requirements for reporting on walk-ins (paragraphs 34-39)
- ¶E. - Temporary refuge guidance and cautions (paragraphs 40-52)
- ¶F. - Long-term options for walk-ins (paragraphs 53-63)
- ¶G. - Travel assistance for walk-ins (paragraphs 64-65)

END SUMMARY.

#### Section A. STORAGE AND DISSEMINATION OF THIS TELEGRAM

¶6. (U) Posts should retain this telegram in the RSO's files and in a location accessible to duty officers, replacing and destroying Ref A and any other prior versions. RSOs should ensure that all officers have read this telegram and know where it is retained.

#### Section B. POST PREPARATION FOR HANDLING WALK-INS

¶7. (S/NF) Each post's Counterintelligence Working Group (CIWG) should meet upon receipt of this telegram to review post's procedures for dealing with walk-ins. The CIWG should ensure that post's procedures are consistent with the guidance in this telegram and local security concerns, include appropriate defensive security measures, and allow screened walk-ins to meet securely with appropriate post officials.

¶8. (S/NF) Post's walk-ins procedures should include (1) special procedures for the reception of embassy (including consular section) walk-ins of possible intelligence value; (2) procedures for constituent posts, if any; and (3) procedures for approaches at residences, in vehicles, on the street, via telephone, and through both electronic and hand-delivered mail. Heightened security at USG installations increases the possibility of approaches to USG officials outside USG facilities. Because of the inherent risks, however, post procedures should permit arranging substantive meetings outside post only in exceptional circumstances and only after approval of the COM based on the recommendations of the RSO and GRPO.

¶9. (S/NF) Post's procedures must allow for appropriately balancing the following considerations which may come into play in walk-in cases:

(a) post security;  
(b) the safety of the individual;  
(c) the intelligence value and bona fides of the individual;  
(d) whether the individual requires protection and, if so, whether appropriate protection is available from international organizations or host-country sources;  
(e) whether the individual should be resettled outside the host-country and, if so, whether resettlement in another country or the United States is possible;  
(f) the time available for resolution of the case; and  
(g) the need to safeguard the confidentiality of any information that may have a bearing on a future consular-related activity or possible resettlement request.

¶10. (S/NF) Post's procedures must be cleared by the RSO and coordinated with the GRPO and, at posts with an FBI Legal Attache (LEGATT), with the LEGATT. (All three should be on post's CIWG.) Post's RSO should update post's walk-in plan with the GRPO and LEGATT, if any, on a semi-annual basis or as needed.

¶11. (S/NF) RSOs should ensure that all relevant potential participants in handling walk-ins are appropriately briefed and trained. Non-cleared personnel can be told that a USG official will interview walk-ins, because that fact is not classified. The fact that a walk-in may be referred to other post officials for a decision on further actions is classified and may not be shared with non-cleared personnel. All briefings should emphasize the importance of ensuring that the walk-in is fully screened, but should also convey that legitimate walk-ins may exhibit nervous or anxious behavior, particularly because access controls and host nation security forces around many of our diplomatic posts make it difficult for walk-ins to approach our facilities discreetly. All briefings should also stress the importance of not drawing attention to the walk-in or alerting host nation security personnel.

¶12. (S/NF) RSO briefings should include (1) briefing those who may have first contact with a walk-in - including non-USG local guards and receptionists - on the procedures to follow at first contact; (2) providing additional briefings to MSGs, other USG security personnel, and USG duty officers on a semi-annual basis or as needed on more sensitive aspects of the program; (3) briefing consular officers on handling walk-ins who approach through a consular service window; and (4) briefing all arriving cleared USG personnel on the procedures for approaches that occur off post premises (as part of the arrival briefing).

¶13. (S/NF) To ensure that walk-ins can communicate their wishes clearly, post may wish to prepare language cards that can be shown at first contact to a walk-in who does not speak English, giving options from which the walk-in can select. One option should be "I wish to speak with an American official." Other options should be plausible alternatives, such as "I wish to obtain information about travel requirements." In addition to the local language, post should consider having such cards available in priority interest languages such as Russian, Spanish, Arabic, Farsi, Mandarin, and Korean, as appropriate in light of the local environment.

¶14. (S/NF) The RSO should incorporate post's procedures into the MSG and local guard orders as

necessary.

¶15. (S/NF) Posts should designate a room, preferably outside the Public Access Control (PAC) hard-line, for conducting the initial interview of a walk-in.

¶16. (S/NF) Post should have an interview guide that can be used during the initial interview, and should maintain a current roster of cleared USG personnel who can provide interpretation services to assist the RSO and others in interviewing walk-ins as required.

¶17. (S/NF) Post procedures should clearly identify the officer who will do the initial interview of a walk-in, and a backup for when that officer is absent. (These are normally the RSO and Assistant RSO.) These officials should have a prearranged signal and appropriate contact numbers for notifying GRPO of a walk-in of possible intelligence value.

¶18. (S/NF) MSGs, local guards, and receptionists should have a codeword or pre-arranged signal to alert the RSO (or other designated officer) of a person requesting to speak with a U.S. officer.

¶19. (U) Post should verify that current phone numbers, addresses, and directions for host government offices that handle refugee claims and the local offices of the UNHCR and UNDP are included in post's walk-in procedures and the duty officer handbook. This information should also be readily available as a handout for walk-ins.

¶20. (U) Post procedures should contain current information on the host government's legal obligations towards persons claiming to be refugees or to be in danger of being tortured. These obligations may arise from the host country's domestic law and/or treaty obligations. States party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 African Union Convention Governing the Specific Aspects of Refugee Problems in Africa have agreed not to expel or return refugees, as defined in those instruments, from their territory under certain circumstances. States party to the 1987 Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment have agreed not to expel or return an individual from their territory to another country where there are substantial grounds for believing that he/she would be in danger of being subjected to torture.

¶21. (S/NF) RSO and GRPO should coordinate any operational tests of walk-in procedures.

¶22. (S/NF) RSOs should review walk-in procedures with constituent posts and ensure that they are properly prepared to handle walk-ins. This should include ensuring that constituent post's procedures are also incorporated into local guard orders as necessary.

¶23. (S/NF) Posts without an RSO, GRPO, or UNHCR/UNDP presence in-country should promptly develop additional post-specific guidance to ensure that the guidance in this telegram is adjusted to fit their situation.

#### Section C. PROCEDURES FOR HANDLING WALK-IN ARRIVALS

¶24. (S/NF) The MSG, local guard, receptionist, or other employee or official who first makes contact with the walk-in should ascertain whether the walk-

in wishes to talk with the USG official, using the language cards as necessary. If so, they should use the pre-arranged signal to inform the USG official designated to deal with walk-ins (normally the RSO or Assistant RSO) as soon as possible. Posts with MSGs may wish to instruct non-USG local guards, receptionists, and others likely to be a walk-in's first point of contact to refer a walk-in who wishes to speak with a USG official to the MSG, and then have the MSG involve the RSO.

¶25. (C) Post's first priority must be to determine whether the individual is carrying a weapon, device, or hazardous material that endangers post personnel. Walk-ins must be screened and searched before being permitted within the security perimeter. If a walk-in possesses any object or item that appears suspicious or potentially hazardous, security personnel should deny access even if the walk-in presents the item as evidence of some intelligence he offers, e.g., red mercury presented as proof of plutonium enrichment. Security personnel are not required to prove that an object, item, or material is hazardous to refuse entry to the walk-in. Only DS-supplied and/or DS-approved instruments should be used to examine suspect material. Posts should follow established DS and Department procedures for screening and reporting suspect materials, e.g., white powder incidents. In the event post encounters material or information relating to alleged radioactive materials, please refer to Ref C for comprehensive interagency approved guidance.

¶26. (C) The walk-in's identification and/or travel documents should be copied as soon as the walk-in is screened in, if at all possible. Otherwise, the papers should be copied before the end of the walk-in's initial interview. Identifying and keeping records of walk-ins is important for security and intelligence reasons; copying their identity documents early is advisable because walk-ins may get cold feet and leave if kept waiting for an interview.

¶27. (S/NF) After the walk-in has been searched, the RSO or designated alternate must interview the walk-in, using post's interview guide. The RSO should attempt to establish the individual's bona fides. (Walk-ins may in fact be mentally disturbed persons, intelligence vendors, fabricators, provocateurs from hostile intelligence services, or persons gathering information on behalf of terrorist organizations.) Once the subject's bona fides are established to the RSO's satisfaction, the RSO should establish what the walk-in wants, whether the walk-in appears to be of possible intelligence or counterintelligence interest, how much time the walk-in has, and methods for future contact, among other information. The RSO must also attempt to determine whether the individual is in imminent danger, including (1) immediate physical danger, (2) danger of involuntary repatriation to a country where the individual's life or freedom would be threatened for reasons of race, religion, nationality, membership in a particular social group, or political opinion, or (3) danger of involuntary repatriation to a country where it is more likely than not that the individual will be subjected to torture. Finally, the RSO may have reason to interview the individual for information regarding potential threats to USG personnel and facilities. (If such information is obtained, the RSO generally should advise the LEGATT and should consider flagging the individual for the Rewards for Justice Program.)

¶28. (S/NF) Monitoring of foreign nationals in

walk-in rooms overseas is permitted only in accordance with guidelines set forth in Ref D. All other recording or monitoring conducted by post employees, including those in cover positions, must be consistent with the Department Notice of January 24, 1977 ("the Vance Memorandum"), which states that "No officer or employee of the State Department . . . shall direct, arrange for, permit, or undertake the monitoring or mechanical or electronic recording of any conversation, including any telephone conversation, without the express consent of all persons involved in the conversation," unless advance approval is granted by the Secretary or the Deputy Secretary of State. (Reproduced at Tab U, Special Agent's Legal Authorities, available at <http://intranet.state.gov>.)

¶29. (C) Post personnel should never leave a walk-in unattended. If possible, two or more post officials should work together during the interview phase.

¶30. (S/NF) If the RSO finds the walk-in credible and to be of possible foreign intelligence or counterintelligence interest, the RSO should follow post procedures to ensure transfer of the walk-in to the GRPO as quickly as possible with minimal exposure to other post personnel. The GRPO will determine further actions (interview, contact again at a later date, etc.).

¶31. (C) Post must strictly limit disclosure of the fact of any request for temporary refuge, departure from the host country, asylum in the United States, third-country visa assistance, issuance or refusal of visas or permits to enter the United States, and requests to resettle elsewhere. Only USG personnel with a need-to-know should be made aware of such requests.

¶32. (C) Post should provide no comment in response to press inquiries, unless otherwise instructed by the Department.

¶33. (C) Post must consult with the Department prior to responding to congressional inquiries on specific walk-in cases.

#### Section D. REQUIREMENTS FOR REPORTING ON WALK-INS

¶34. (S/NF) If a walk-in is of intelligence interest, the case will be handled by the Intelligence Community (IC) once that interest is established, and reporting on the case will occur in IC channels. Post must notify the Department of all/all cases not handled within the IC and involving the following, using the reporting channels described in paragraphs 37-39 below except where otherwise indicated:

(a) A person who may have information on immediate threats to USG personnel or facilities. See paragraph 35 below for reporting channel instructions.

(b) A person who possesses information regarding plans and intentions of governments and/or organizations hostile to the United States.

(c) A person who may have information on weapons proliferation, weapons of mass destruction, counterterrorism, counternarcotics, or any significant new intelligence or military-related subjects.

(d) A foreign diplomat, foreign consular officer, other foreign government official (including members of the national police and the military), or political party official, regardless of his/her country of nationality.



(e) A person who appears threatened by involuntary repatriation to a country where the person's life or freedom would be threatened for reasons of race, religion, nationality, membership in a particular social group, or political opinion, or where it is more likely than not that the person would be tortured. See paragraph 36 below for reporting channel instructions.

(f) Persons seeking resettlement (including "asylum") in the United States. See Section E (paragraphs 40-52) below and Ref E for additional guidance on such cases.

(g) Persons granted temporary refuge. See paragraphs 50-52 for instructions on reporting such cases.

¶35. (S/NF) Security threat information reportable per paragraph 34(a) above should be reported via TERREP or TERREP exclusive channel telegram (as appropriate) as soon as possible. Threat information of an extremely urgent nature should be provided to the RSO and other appropriate post officials immediately and relayed to the DS Command Center (DSCC) at (571) 345-3146 or via DSCC secure line at (571) 345-7793.

¶36. (S/NF) Cases involving threats of involuntary return as described in paragraph 34(e) above should be brought to the Department's attention immediately, by phone, email or cable slugged for PRM/A, with U.S. Mission Geneva, attention Refugee and Migration Affairs (RMA), as an info addressee.

¶37. (S/NF) Except as specified above for threat and involuntary return cases, telegrams should be sent through normal channels, be slugged for INR/CCS, P, DS/CI, and the appropriate regional bureau, and describe the time-sensitivity of the case. INR/CCS is the action office and will distribute to other bureaus as appropriate. In extremely sensitive cases, post should send a Roger Channel telegram to INR/CCS, which will ensure appropriate, limited distribution.

¶38. (S/NF) If the case may require consideration of U.S. resettlement options, posts may also wish to slug PRM/A, DRL/MLGA, L/HRR, and CA/VO, and to add DHS/USCIS WASHDC as an info addressee.

¶39. (S/NF) All telegrams should use the PINR and ASEC tags. CVIS and PREF tags also should be used in potential resettlement cases. All telegrams referring to UNHCR should add U.S. Mission Geneva, attention Refugee and Migration Affairs (RMA), as an info addressee.

#### Section E. TEMPORARY REFUGE - CAUTIONS AND GUIDANCE

¶40. (S/NF) Walk-ins sometimes request that they be permitted to remain in an embassy or other USG facility beyond closing hours. The Department considers this a request for temporary refuge, not a request for asylum, and post officials should be particularly careful not to equate the two. In U.S. immigration law, asylum is a status granted to qualified refugees, and an application for "asylum" can only be made in the United States. A walk-in may request "asylum" in an embassy based on the erroneous belief that safe passage out of the host country will be assured if the request is granted. While a few mostly Latin American countries recognize such a right of "diplomatic asylum," the United States and most other countries do not recognize that concept or accept that the granting of refuge in an embassy is an authorized use of diplomatic facilities. A walk-in who requests "asylum" may also in substance be requesting an

opportunity to resettle in the United States; guidance on such requests is below under long-term options.

¶41. (S/NF) Granting a walk-in temporary refuge in an embassy or other USG facility may actually increase the danger to an individual, particularly in hostile countries and if the individual is a host-country national. The longer the person remains, the more likely the host government will become aware of the request for temporary refuge and possibly take retaliatory action. In hostile countries, the United States generally is unable either to assure a walk-in's safe conduct out of the country or continued safety in the country once they leave post premises. Thus granting temporary refuge may lead to a protracted stalemate, with the walk-in effectively residing in post premises. "Residence within a post" of persons hostile to the host government could be a continuing source of controversy and lead to serious adverse effects on U.S. interests and unexpected financial implications for the post.

¶42. (U) In light of these factors, all foreign national walk-ins seeking refuge in a USG facility should be informed that post cannot ensure (a) their safe conduct out of the host country; (b) their future safety within the host country; or (c) their entry into the United States. They should also be informed that they may actually endanger their own welfare or interests by remaining at post.

¶43. (S/NF) Temporary refuge may never be granted to foreign nationals who simply wish to immigrate to the United States or evade local criminal law; if granting refuge would put post security in jeopardy; or if the Department instructs post not to do so.

¶44. (S/NF) Post should use appropriate measures to remove a person seeking refuge from the premises when temporary refuge is not warranted.

¶45. (S/NF) Only the COM or Principal Officer, or a person designated to act on their behalf in their absence, may grant a request for temporary refuge.

¶46. (S/NF) Temporary refuge may be granted only if there is compelling evidence that the walk-in is in imminent physical danger for any reason, or in imminent danger of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion.

¶47. (S/NF) Within the kinds of cases described in paragraph 46, post should grant temporary refuge in those rare situations in which an individual faces not just imminent physical danger, but immediate and exceptionally grave physical danger, i.e., possible death or serious bodily injury, either in the host country or in another country to which the individual will be summarily returned by host-country authorities.

¶48. (S/NF) Also within the kinds of cases described in paragraph 46, post may at its discretion grant temporary refuge if the physical danger or the danger of involuntary repatriation as defined above is less serious but appears imminent. In determining if granting temporary refuge is appropriate in such instances, post should consider the following questions:

- (a) How serious and immediate is the threat to the walk-in?
- (b) Will the threat to the individual increase or



decrease if the walk-in is allowed to remain at post?

(c) Can the individual leave or be required to leave post without being noticed?

(d) If detection by host government authorities is inevitable and the alleged threat is from the host government, can the walk-in's presence and subsequent departure be explained in a manner that will not further endanger the individual?

(e) What are the likely consequences of allowing the individual to temporarily remain at the post with regards to the individual, other persons in the host country, the security of the post, and the safety of U.S. Government personnel?

(f) Is the individual of intelligence value to the United States?

(g) Is the person facing immediate and exceptionally grave physical danger on account of peaceful political, religious, or humanitarian activities consistent with U.S. values and policies?

¶49. (C/NF) Temporary refuge generally should not be granted at residential diplomatic or consular premises. The inviolability of diplomatic residences (except the COM's) is linked to the diplomat's residency and may be lost if the host government declares persona non grata (PNG) the diplomat whose residence is involved. Consular residences do not enjoy inviolability (unless it is provided by special agreement). As a practical matter all residences, whether diplomatic or consular, are generally less secure than the embassy or consulate.

¶50. (C) If temporary refuge is granted, post should notify the Department in an appropriately classified "NIACT Immediate" precedence telegram and should notify other relevant overseas posts by immediate precedence telegram. Telegrams to the Department should be slugged for INR/CCS, P, PRM/A, L/HRR, L/DL, DSCC, DRL/MLGA, CA/VO, and the appropriate regional bureau. DHS/USCIS WASHDC should be a direct telegraphic info addressee. Post also should notify the Department by telegram if temporary refuge is requested but denied, unless the case is clearly without merit, e.g., appeals by a drunken or deranged person.

¶51. (S/NF) If the host government (or the government of the alien's nationality, if the individual is a third-country national) requests an interview with a walk-in who is granted temporary refuge, post should notify the Department and await guidance. Post should not/not comply with such interview requests unless explicitly authorized to do so by the Department.

¶52. (SBU) If granted, temporary refuge should be terminated as soon as circumstances permit (e.g., when the period of active danger ends), but only with Department authorization. Post management should inform the Department (to the same addressees listed in paragraph 50) when temporary refuge is terminated. A person who has been granted temporary refuge may, of course, leave voluntarily whenever he/she wishes. Post management should reasonably ensure that the decision to leave is voluntary.

#### Section F. LONG-TERM OPTIONS

¶53. (U) Walk-ins often wish to resettle in the United States, but this may not be appropriate or possible. The United States encourages local or regional resettlement of refugees and international resettlement burden-sharing among many governments.

¶54. (C/NF) In routine cases involving walk-ins from third countries who may be refugees, the walk-in should be referred to the host government for adjudication of his or her status as long as the host country has satisfactory asylum or refugee-processing procedures. In most cases, potential refugees should also be referred to the local office of the UNHCR, especially if local refugee/asylum procedures are not available. UNHCR is mandated to provide protection for refugees and has primary international responsibility for seeking durable solutions for refugees, including possible opportunities for third-country resettlement. This mandate extends to UNHCR even in countries that are not party to any of the treaties just mentioned. Where there is no UNHCR office, UNHCR's responsibilities are normally handled by the local UNDP office. Beware, however, that in some countries UNHCR (or UNDP) may be placed in an awkward position if it is notified of a case and there is a need to conceal the case from the host government. If this possibility exists, post should approach UNHCR or UNDP discreetly.

¶55. (C/NF) If it appears that entry into the United States is the appropriate long-term solution to a walk-in's situation, the walk-in should not be issued a non-immigrant visa except in unusual circumstances after consultation with the Department. Non-immigrant admission will generally not be appropriate because the circumstances that lead an individual to become a walk-in normally lead also to ineligibility under section 214(b) of the Immigration and Nationality Act (INA) as an intending immigrant. Admission to the United States therefore normally should be as a refugee or parolee. In some circumstances an immigrant visa may also be available.

#### REFUGEE ADMISSION

¶56. (U) A person outside the United States may be granted refugee admission if he or she qualifies as a "refugee" as defined in U.S. law and meets other applicable requirements. DHS has sole responsibility for adjudicating applications for refugee admission outside the United States. DHS/USCIS officers determine whether or not an individual is a refugee on a case-by-case basis after a personal interview. To qualify, a person must normally be outside his country. Given adequate justification, however, DHS may adjudicate an "in country" refugee application when requested by a U.S. Ambassador with the concurrence of PRM/A and DHS/USCIS in Washington. See Ref F, entitled "How a post can refer cases to the U.S. refugee admissions program", and Ref G, entitled "Worldwide processing priority system for FY 2010", for more information.

¶57. (U) The U.S. definition of "refugee" encompasses a person who, under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, is outside his or her country of nationality (or, if he or she has no nationality, the country of last habitual residence) and has experienced past persecution or has a well-founded fear of persecution in that country on account of race, religion, nationality, membership in a particular social group, or political opinion. U.S. law deems the following persons to have been persecuted on account of political opinion: a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure, or for other resistance to a coercive population control program; a person who has a well-founded fear that he or she will be

forced to undergo such a procedure or be persecuted for such failure, refusal, or resistance.

¶58. (U) Persons admitted to the United States as refugees are eligible for initial reception and placement assistance from non-government organizations (NGOs) funded under cooperative agreements with PRM and for other publicly funded benefits.

¶59. (U) If the host government cannot or will not protect the individual from involuntary repatriation and UNHCR is unable to intervene, and post believes that the person may qualify as a refugee, post should contact PRM/A for guidance on how to proceed.

#### PAROLE

¶60. (S/NF) Foreign nationals may also travel to the United States pursuant to the Secretary of Homeland Security's parole authority under Section 212(d)(5) of the INA. Parole may be granted based on humanitarian or significant public benefit grounds. Authority over humanitarian parole requests rests with DHS/USCIS/RAIO/HAB. Authority over Significant Public Benefit Parole (SPBP) rests with DHS/ICE. DHS/ICE/OIA-LEPB has developed guidelines in consultation with the Department for the processing of SPBP cases. Guidelines for both types of parole are contained in Ref H.

¶61. (S/NF) Use of parole for a walk-in may be warranted in extraordinary cases, such as when no other resolution appears feasible and a walk-in is of special interest to the United States, when a walk-in is in immediate danger, or when the case is politically sensitive. If post wishes to pursue parole for a walk-in, it must submit a request by telegram, slugged for INR/CCS, CA/VO/F/P, DRL/MLGA, P, and the appropriate regional bureau. An info copy should go to the appropriate DHS bureau. The telegram must provide justification for the request; include a certification by the COM or the Deputy Chief of Mission (DCM) that the information provided is complete and accurate; and identify all interested agencies at post that were involved in reviewing and endorsing the request. A "CLASS" name check must be completed, and all required Security Advisory Opinion requests (SAOs) must be submitted. The results of the "CLASS" name check should be indicated in the cable.

¶62. (U) All financial arrangements for parolees must be made in advance. Post should not make any guarantees of such assistance, but should maintain a list of possible local sponsors that might be willing to assist (e.g., church groups or social service agencies in the United States), to contact in urgent situations if the parolee first agrees and signs a statement authorizing disclosure of his/her identity and situation to persons outside the U.S. Government. In some cases the Department may also be able to help by contacting private organizations in the United States to assist parolees upon arrival.

#### DEFECTORS

¶63. (S/NF) For the purpose of this telegram, the term "defector" refers to a person of any nationality (usually from a country whose interests are hostile or inimical to those of the United States) who has escaped from the control of their home country and is of special interest to the U.S. Government. Defector cases generally are handled under parole procedures. The GRPO will work out these arrangements with DHS/ICE and/or post's

consular section once Washington's approval is obtained. The LEGATT should be notified of defector status as soon as practicable.

#### Section G. TRAVEL ASSISTANCE

¶64. (S/NF) If the appropriate agencies decide that a walk-in should be allowed to travel to the United States (in any of the capacities described above), transportation out of the host country and to the United States must be arranged. Transportation out of friendly countries should not pose a problem. Post should take appropriate steps, in coordination with the host government, to ensure that the individual is permitted to travel and protected from possible adverse actions (e.g., by their country of nationality). If the individual lacks means to pay for transportation, post should consult with the Department regarding options. Approved refugees are eligible for a transportation loan administered by the International Organization for Migration (IOM) (the recipient will be responsible for eventual repayment). In exceptional circumstances, USG-funded transportation assistance for parolees may also be possible through IOM. Requests for such assistance should be sent to the Department (specifically PRM/A) for consideration.

¶65. (S/NF) In unfriendly countries, transportation out of the country may prove impossible or impractical. In such cases, the individual should be informed that if he/she makes their way to a more friendly country, the United States will consider them for admission. To the extent possible without compromising the confidentiality of the individual's request, post should monitor the situation and ensure that, if the individual leaves the country, he/she is met by USG or UNHCR officials at the first possible transit point.

¶66. (U) Minimize considered.  
CLINTON